

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter (§) 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§305.121 - 305.129, Subchapter F, "Permit Characteristics and Conditions" as promulgated under the Texas Water Code, §§5.103 and 5.105, and §§361.017 and 361.024(a) of the Texas Solid Waste Disposal Act establish the characteristics and standards for waste discharge permits, including sewage sludge. The following text includes these conditions and incorporates them into this permit. All definitions contained in Section 26.001 of the Texas Water Code shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

- a. *Annual average flow* - the arithmetic average of all daily flow determinations taken within a period of 12 consecutive preceding calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with a 1 million gallons per day or greater permitted flow.
- b. *Daily average flow* - the arithmetic average of all determinations of the daily discharge within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily discharge, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. *Instantaneous flow* - the measured flow during the minimum time required to interpret the flow measuring device.
- d. *2-hour peak flow (domestic wastewater treatment plants)* - the maximum flow sustained for a two-hour period during the period of daily discharge. Multiple measurements of instantaneous maximum flow within a two-hour period may be compared to the permitted 2-hour peak flow.
- e. *Maximum 2-hour peak flow (domestic wastewater treatment plants)* - the highest 2-hour peak flow for any 24-hour period in a calendar month.
- f. *Daily maximum flow* - the highest total flow for any 24-hour period in a calendar month.

2. Concentration Measurements

- a. *Daily average concentration* - the arithmetic average of all effluent samples, composite or grab as required by this permit within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average of the four most recent measurements or the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. *7-day average concentration* - the arithmetic average of all effluent samples, composite or grab as required by this permit within a period of one calendar week, Sunday through Saturday.
- c. *Daily maximum concentration* - the maximum concentration measured on a single day, by composite sample, unless otherwise specified elsewhere in this permit.
- d. *Fecal Coliform bacteria* - the number of colonies per 100 milliliters effluent.

3. Sample Type

- a. *Composite sample* - a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow collected no closer than two hours for domestic sewage. For industrial wastewater a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow collected no closer than one hour.
 - b. *Grab sample* - an individual sample collected in less than 15 minutes.
4. *Treatment Facility (facility)* - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC § 312. This includes the solids separated from wastewater by unit processes which have not been classified as hazardous waste.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month.

As provided by State Law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement on any report or document, falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, and the certification required by 40 Code of Federal Regulations §264.73(b)(9) shall be retained at the facility site and/or shall be readily available for review by a TNRCC representative for a period of three years from the date of the record or sample, measurement, report or certification. This period may be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to and through the final disposition of any administrative or judicial enforcement action that maybe instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the required monthly effluent report. Increased frequency of sampling shall be indicated on the monthly effluent report.

5. Calibration of Instruments

All automatic flow measuring and/or recording devices and/or totalizing meters required by the permit for measuring permit limited flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be kept at the plant site for at least three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the appropriate Regional Office and the Manager of the Water Section (MC 149) of the Enforcement Division.

7. Noncompliance Notification

- a. Unless specified otherwise, any noncompliance which may endanger human health or safety, or the environment shall be reported to the TNRCC. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided to the Regional Office and the Manager of the Water Section (MC 149) of the Enforcement Division within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- b. Unauthorized discharges as defined in Permit Condition 2(g) of this permit shall be reported under Part a of this noncompliance notification provision.
- c. Notwithstanding any of the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported in writing to the Regional Office and the Manager of the Water Section (MC 149) of the Enforcement Division within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Wastewater Data Management Team (MC 148) of the Water Quality Division as promptly as possible. This requirement means to report these types of noncompliance on the monthly self-report form.

8. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

PERMIT CONDITIONS

1. General

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application in accordance with 30 TAC § 50 and the application process in accordance with 30 TAC § 281, and relying upon the accuracy and completeness of that information and those representations in accordance with 30 TAC § 305. After notice in accordance with 30 TAC § 39 and opportunity for a hearing in accordance with 30 TAC § 55 (b), this permit may be modified, suspended, or revoked, in whole or in part in accordance with 30 TAC § 305 Subchapter D, during its term for cause including but not limited to, the following:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required by the permit.

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or of an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked for cause. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- g. *There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to waters in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements of this permit.*
- h. *A temporary diversion of wastewater around a unit or units to a permitted outfall for the purposes of maintenance or repair is not a violation of this permit as long as the wastewater complies with all other standards, terms and conditions of this permit. Notice shall be provided to the Regional Office at least 24 hours in advance of any temporary diversion, where practical. Where prior notice for a temporary diversion is not practical, notice shall be provided to the Regional Office as soon as possible but at least within 24 hours after beginning the temporary diversion. Notwithstanding any of the above, the Commission may require that an application be submitted for formal authorization.*

3. Inspections and Entry

- a. *Inspection and entry shall be allowed as prescribed in the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361.*
- b. *The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state. Members, employees, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his or her presence and shall exhibit proper credentials. If any member, employee, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 26.123.*

4. Permit Amendment

- a. *The permittee shall give notice to the Executive Director prior to physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements.*
- b. *Prior to any facility modifications, additions and/or expansions of a permitted facility that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.*
- c. *The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. Authorization to continue such activity will terminate upon the effective denial of said application.*
- d. *Prior to accepting wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.*
- e. *Texas Water Code §26.029(b) After a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, to conform to new or additional conditions. The Commission shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Commission may grant additional time.*

5. Permit Transfer

- a. *Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified, in writing, of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Wastewater Permits Application Team (MC 148) of the Water Quality Division.*
- b. *A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.31 (relating to Action on Application for Transfer).*

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to the waters in the state must be specifically authorized in this permit and may require a permit pursuant to Chapter 11 of the Texas Water Code.

8. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall

not be affected thereby.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all its systems of collection, treatment, and disposal are properly operated. This includes the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control such as the Commission's "Recommendations for Minimum Process Control Tests for Domestic Wastewater Treatment Facilities." Process control records shall be retained at the facility site and/or shall be readily available for review by a TNRCC representative for a period of three years.
2. Upon request of the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all provisions of 30 TAC §§ 312.1 - 312.13 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Executive Director in care of the Wastewater Permits Section (MC 148) of the Water Quality Division, in writing of any closure activity or facility expansion at least 90 days prior to conducting such activity.
 - b. Closure activities include those associated with any pit, tank, pond, lagoon, or surface impoundment regulated by this permit.
 - c. As part of the notification, the permittee shall submit to the Municipal Permits Team (MC 148) of the Wastewater Permits Section of the Water Quality Division, a closure plan which has been developed in accordance with the "Closure Guidance Documents Nos. 4 and 5" available through the Publications Inventory and Distribution Section (MC 195) of the Agency Communications Division.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual waste treatment fee to the Commission as required by 30 TAC § 305 (Subchapter M) and an annual water quality assessment fee to the Commission as required by 30 TAC § 320. Failure to pay either fee may result in revocation of this permit.
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification, upon the same basis as self-monitoring data are required to be kept and made available.

8. Facilities which generate domestic wastewater shall comply with these provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.
 - a. Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted average daily flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever, the average daily flow reaches 90 percent of the permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission. If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Manager of the Water Section (MC 149) of the Enforcement Division of the Commission or an authorized agent, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.
 - b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC § 325.
10. Facilities which generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:
- a. Any solid waste generated by the permittee during the management and treatment of wastewater, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid) must be managed in accordance with all applicable provisions of 30 TAC § 335, relating to Industrial Solid Waste Management
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC § 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.6(g), to the Corrective Action Section (MC 127) of the Industrial and Hazardous Waste Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Waste Evaluation Section (MC 129) of the Industrial and Hazardous Waste Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.
- The above records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Texas Natural Resource Conservation Commission for at least five years.
11. For facilities to which the requirements of 30 TAC § 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Health and Safety Code of Texas.